

THOMAS HUBBARD and  
MARY HUBBARD,

Plaintiffs,

V.

STATE FARM FIRE AND CASUALTY,  
COMPANY,

Defendant.

No. \_\_\_\_\_  
Judge \_\_\_\_\_  
Magistrate Judge \_\_\_\_\_

## NOTICE OF REMOVAL

TO THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE MIDDLE  
DISTRICT OF TENNESSEE, NASHVILLE DIVISION:

Defendant State Farm Fire and Casualty Company (“State Farm”), pursuant to 28 U.S.C. §1446(b), respectfully shows the Court:

1. On April 19, 2009, State Farm, through the Department of Commerce and Insurance, was served with a summons and complaint, in an action entitled *Thomas Hubbard and Mary Hubbard v. State Farm Fire and Casualty Company*, instituted April 9, 2010, in the Circuit Court for Rutherford County, Tennessee. A true and accurate copy of the summons and complaint is attached as Exhibit 1.

2. The case stated by the complaint served upon State Farm is removable to this Court pursuant to 28 U.S.C. §1441 in that Plaintiffs, at the time this action was commenced, were and still are residents of Rutherford County, Tennessee. State Farm, at the time this action was commenced, was and still is an insurance company organized under the laws of the State of Illinois with its principal place of business in Bloomington, Illinois.

3. The above-described action is a civil action of which this Court has original jurisdiction under the provisions of 28 U.S.C. §1332 and is one which may be removed to this

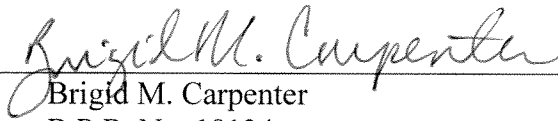
Court by State Farm pursuant to the provisions of 28 U.S.C. §1441, in that complete diversity of citizenship exists between the parties. In addition, Plaintiff is seeking general and special damages for State Farm's alleged breach of an insurance contract in the amount of \$60,000, plus additional damages for State Farm's alleged breach of the duty of good faith pursuant to Tenn. Code Ann. §56-7-105, plus treble damages and attorney's fees pursuant to the Tennessee Consumer Protection Act (Tenn. Code Ann. §47-18-101 *et seq.*), so that the matter in controversy exceeds, exclusive of interest and costs, the sum of \$75,000. Therefore, this Court has original jurisdiction over this action.

WHEREFORE, State Farm gives notice that the above action now pending against it in the Circuit Court for Rutherford County, Tennessee, has been removed therefrom to this Court.

DATED this 19<sup>th</sup> day of May, 2010.

Respectfully submitted,

BAKER, DONELSON, BEARMAN, CALDWELL  
& BERKOWITZ, P.C.

By:   
Bridget M. Carpenter  
B.P.R. No. 18134  
Sonya Smith  
B.P.R. No. 23898

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Attorneys for Defendant State Farm Fire and Casualty  
Company

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and exact copy of the foregoing Notice of Removal has been served upon the following counsel for the parties in interest herein by first-class U.S. mail, postage pre-paid:

John H. Baker, III  
Post Office Box 398  
302 North Spring Street  
Murfreesboro, Tennessee 37133

this 19<sup>th</sup> day of May, 2010.

  
Brigid M. Carpenter